

EXHIBIT 4

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

VERIFIED PETITION

Petitioner(s)

William King Moss III

Respondent(s)

Brentwood Union Free School District
Brentwood Board of Education
Richard Loeschner
Robert Feliciano
G. Paula Moore
Julia Burgos
Eileen Felix

Simone Holder-Daniel
Maria Gonzalez-Prescod
Cynthia Ciferri
Rosa Cortese
Rosa Nieves

On the actions taken on and surrounding September 2, 2020 by the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and principal appointees Rosa Cortese and Rosa Nieves regarding negligence of duty, violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

To the Commissioner of Education:

1. William King Moss III resides at 32 S. 5th Ave, Brentwood, NY 11717 and is a homeowner and tax-payer in the Brentwood Union Free School District.
2. William King Moss III has 20 years of experience in public education and is NYSED certified permanently in Math 5-12, SAS, SBA, and SDA. (See Exhibit A)
3. Petitioner humbly requests that the Commissioner of Education permit alternative service in accordance with Commissioner Regulation 275.8(f) for the following reasons:
 - a. As a result of the COVID-19 crisis, the Petitioner was unable to retain an attorney willing to file this petition, and therefore had to prepare and serve this appeal pro se.
 - b. As a result of the COVID-19 crisis, the Petitioner was unable to secure process servers willing to physically risk COVID-19 infection.
4. As an applicant, William King Moss III presents the cause of action as and seeks remedy for the violation of his civil right to equal employment opportunity when he was denied the equal opportunity to compete for two (2) elementary principal positions by the

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

Respondents contacting him only 24 hours before his interview while contacting other candidates six (6) or more days before their interviews, a violation of his civil right.

5. As a resident and registered voter of the Brentwood Union Free School District, William King Moss III presents the cause of action as and seek remedy for the negligence of duty of the Superintendent of Schools, the Board of Education and the individual trustees in their persistence in conducting both unlawful and illegal hiring practices to the advantage of Whites/Caucasians and the disadvantage of Blacks/African-Americans, a violation of the personal right of voters to be governed by law abiding government officials.
6. As a taxpayer of the Brentwood Union Free School District, William King Moss III presents the cause of action as and seeks remedy for both the unlawful and illegal expenditure of school district funds in the hiring of two (2) White/Caucasian elementary principals (one Hispanic, one Non-Hispanic) without providing equal employment opportunity to Blacks/African-Americans, and the negligence of duty of the Superintendent of Schools, the Board of Education and the individual trustees to adhere to state laws in recommending (Superintendent) and approving (Board and Board trustees) said unlawful and illegal expenditures, a violation of and claim upon his property rights as tax-payers.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

7. Brentwood Union Free School District and Board of Education are located at 52 Third Ave, Brentwood, NY 11717
8. Robert Feliciano resides at 91 Kopf Street, Brentwood, NY 11717. Robert Feliciano is the sitting president of the Brentwood Board of Education.
9. G. Paula Moore resides at 35 Grahn St, Brentwood, NY 11717. Paula Moore is the sitting first vice president of the Brentwood Board of Education.
10. Eileen Felix resides at 205 Madison Ave, Brentwood, NY 11717. Eileen Felix is a sitting trustee of the Brentwood Board of Education.
11. Julia Burgos resides at 1615 N. Thompson Dr., Bay Shore, NY 11706. Julia Burgos is a sitting trustee of the Brentwood Board of Education.
12. Maria Gonzalez-Prescod resides at 1673 North Thompson Drive, Bay Shore, NY 11706. Maria Gonzalez-Prescod is the sitting second vice president of the Brentwood Board of Education.
13. Simone Holder-Daniel resides at 5 Columbus Ave, Brentwood, NY 11717. Simone Holder-Daniel is a sitting trustee of the Brentwood Board of Education.
14. Cynthia Ciferri resides at 61 Morton St, Brentwood, NY 11717. Cynthia Ciferri is a sitting trustee of the Brentwood Board of Education.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

15. Richard Loeschner resides at 211 Brook St, Brentwood, NY 11717. Richard Loeschner is the Brentwood UFSD Superintendent of Schools.
16. Upon information and belief, Rosamaria Cortese resides at 1 Forest Ct, Patchogue, NY 11772.
17. Upon information and belief, Rosa Nieves resides at 1400 Odell St, Wantagh, NY 11793.
18. Rosamaria Cortese is also known as Rosa Cortese.
19. William King Moss III is Black/African-American.
20. Rosamaria Cortese is White/Caucasian Non-Hispanic.
21. Rosa Nieves is White/Caucasian Hispanic.
22. All Brentwood Union Free School District school board trustees and school administrators have a legal duty and obligation to uphold the Constitution of the State of New York.
23. All Brentwood Union Free School District school board trustees and school administrators have a legal duty and obligation to uphold New York State Executive Law.
24. All Brentwood Union Free School District school board trustees and school administrators have a legal duty and obligation to uphold New York State Education Law.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

25. All Brentwood Union Free School District school board trustees and school administrators have a legal duty and obligation to uphold New York State Civil Rights Law.
26. All Brentwood Union Free School District school board trustees and school administrators have a legal duty and obligation to uphold the School Board Policies of the Brentwood Union Free School District.
27. On August 20, 2020, the Superintendent of Schools recommended that Rosamaria Cortese be appointed as an elementary school principal.
28. On August 20, 2020, the Board of Education voted to table the appointment of Rosamaria Cortese.
29. Upon information and belief, the Board of Education tabled the vote in order to coerce the Superintendent to hire Ana Martinez, a former board trustee, to the second elementary principal position.
30. On August 29, 2020, the Brentwood Teachers Association president published in his newsletter that the Board of Education president, Robert Feliciano was trying to hire his friend Ana Martinez.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

31. In Commissioner's Decision 17,602, the Commissioner of Education decided that the Respondents gave no reason for not interviewing the petitioner. (Exhibit B)
32. Denying a Black/African-American candidate an interview when required to do so by statute while providing an interview to the other Non-Black/African-American candidate violates the Black/African-American candidate's civil right to equal employment opportunity as in the case of Decision 17,602.
33. This is the second time that the Board of Education has moved to coerce the superintendent to hire a Hispanic administrator by denying/tabling and thus holding hostage the appointment of a candidate recommended by the Superintendent of Schools.
34. By pattern of practice the Board of Education's interest in hiring Hispanics into administration is so strong that they purposefully engage in the practice of illegal quid-pro-quo's to effect a Hispanic recommendation from the Superintendent of Schools for administrative positions.
35. The acts of promoting Hispanic candidates for administrative offices are forms of color/race and national origin discrimination.
36. The acts of promoting Hispanic candidates for administrative offices by engaging in quid-pro-quos that require the compromise of one (1) Superintendent's White/Caucasian

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

choice for one (1) Hispanic Board of Education's choice effectively blocks

Blacks/African-Americans from

37. New York State Penal Code Section 200.56 states:

“ A person is guilty of corrupt use of position or authority if such person:

1. While holding public office, or being nominated or seeking a nomination therefor, corruptly uses or promises to use, directly, or indirectly, any official authority or influence possessed or anticipated, in the way of conferring upon any person, or in order to secure, or aid any person in securing, any office or public employment, or any nomination, confirmation, promotion or increase of salary, upon consideration that the vote or political influence or action of the person so to be benefited or of any other person, shall be given or used in behalf of any candidate, officer or party or upon any other corrupt condition or consideration;”

38. The Board of Education trustees that tabled the vote for Rosamaria Cortese directly used their appointment authority to confer the elementary position upon Rosamaria Cortese upon consideration that the Superintendent of Schools would and in order to coerce the Superintendent of Schools to recommend a Hispanic candidate (first attempting Ana Martinez, then settling on Rosa Nieves) for the second elementary principal vacancy.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

39. It is illegal for the Board of Education to use its power to coerce the Superintendent to recommend a person for position by way of actionably considering and denying or holding in abeyance his or her recommended and preferred candidate for a different position.
40. This is the second time in the observation of the petitioner that the Board of Education has engaged in an illegal quid-pro-quo to the detriment of highly qualified Blacks/African-American applicants.
41. Commissioner Decision 17,602 admonished the Respondents, including current trustees Robert Feliciano, Paula Moore and Maria Gonzalez-Prescod, to comply with policy 9240 in all administrative recruitments. (See Exhibit B)
42. As the Petitioner and complainant in Decision 17,602 (See Exhibit B), I, William King Moss III seek remedy for and present the cause of action for my personal right to have the Commissioner address that Respondents decision not to follow policy 9240 in its entirety in hiring two (2) elementary school principals on September 2, 2020.
43. Not giving Blacks/African-Americans equal employment opportunity for public employment while giving Whites/Caucasians an advantage in public employment is an act of discrimination in New York State.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

44. New York State Education Law, Article 7, Section 306 states:

§ 306. Removal of school officers; withholding public money. 1.

Whenever it shall be proved to his satisfaction that any trustee, member of a board of education, clerk, collector, treasurer, district superintendent, superintendent of schools or other school officer is a member of an organization listed as subversive by the board of regents pursuant to the provisions of section three thousand twenty-two of this chapter, or has been guilty of any wilful violation or neglect of duty under this chapter, or any other act pertaining to common schools or other educational institution participating in state funds, or wilfully disobeying any decision, order, rule or regulation of the regents or of the commissioner of education, said commissioner, after a hearing at which the school officer shall have the right of representation by counsel, may, by an order under his hand and seal, which order shall be recorded in his office, remove such school officer from his office.

45. The Commissioner of Education has the power and authority to remove school board trustees and the Superintendent of Schools if they are guilty of any wilful violation or

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

neglect of duty under New York State Education Law or any other act pertaining to common schools or other educational institutions participating in state funds.

46. The Constitution of the State of New York pertains to and governs the acts of Brentwood Union Free School District, its Board of Education, its Board of Education trustees as individuals and its employees.

47. New York State Education Laws pertain to and govern the acts of Brentwood Union Free School District, its Board of Education, its Board of Education trustees as individuals and its employees.

48. New York State Civil Rights Laws pertain to and govern the acts of Brentwood Union Free School District, its Board of Education, its Board of Education trustees as individuals and its employees.

49. New York State Executive Laws pertain to and govern the acts of Brentwood Union Free School District, its Board of Education, its Board of Education trustees as individuals and its employees.

50. New York State Education Law, Article 34, Section 308 states:

§ 308. Other powers. The commissioner of education shall also have power and it shall be his duty to cause to be instituted such

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

proceedings or processes as may be necessary to properly enforce and give effect to any provision in this chapter or in any other general or special law pertaining to the school system of the state or any part thereof or to any school district or city. He shall possess the power and authority to likewise enforce any rule or direction of the regents.

51. The Commissioner of Education has the power to enforce any general law or special law pertaining to any school district.

52. The Commissioner of Education has the power to enforce any rule or direction of the regents.

53. New York State Education Law, Article 35, Section 1706 states:

§ 1706. Power of removal of member of board of education. For cause shown, and after giving notice of the charge and opportunity of defense, the commissioner of education may remove any member of a board of education. Wilful disobedience of any lawful requirement of the commissioner of education, or a want of due diligence in obeying such requirement or wilful violation or neglect of duty is cause for removal.

54. Wilful violation or neglect of duty is cause for removal of a Board of Education member.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

55. New York State Education Law, Article 61, Section states:

§ 3002. Oath to support federal and state constitutions. It shall be unlawful for any citizen of the United States to serve as teacher, instructor or professor in any school or institution in the public school system of the state or in any school, college, university or other educational institution in this state, whose real property, in whole or in part, is exempt from taxation under section four of the tax law unless and until he or she shall have taken and subscribed the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States of America and the constitution of the State of New York, and that I will faithfully discharge, according to the best of my ability, the duties of the position of(title of position and name or designation of school, college, university or institution to be here inserted), to which I am now assigned."

The oath required by this section shall be administered by the president or other head of such school, college, university or

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

institution, or by the officer or person, or in the case of a board or body by a member of the board or body, having authority to employ such person as a teacher, instructor or professor in such school, college, university or institution, and each is hereby authorized to administer it. The officer, person or member administering such oath shall cause a record or notation of the fact to be made in the books or records of the school, college, university or institution. In lieu of the oath administered by an officer, person or member, an employee may comply with the requirements of this section by subscribing and filing the following statement: "I do hereby pledge and declare that I will support the constitution of the United States and the constitution of the State of New York, and that I will faithfully discharge the duties of the position ofaccording to the best of my ability." Such oath or statement shall be filed with the clerk of a school district or with such officer or employee of any such college, university or other educational institution that shall be designated for such purpose. Such oaths or statements shall be available for public

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

inspection and for transmittal to the commissioner of education upon his request. It shall be unlawful for an officer, person or board having control of the employment, dismissal or suspension of teachers, instructors or professors in such a school, college, university or institution, to permit a person to serve in any such capacity therein in violation of the provisions of this section. This section shall not be construed to require a person to take such oath or to execute such statement more than once during the time he or she is employed in the same school, college, university or institution, though there be a change in the title or duties of the position.

The provisions of section sixty-two of the civil service law shall not apply to a person who is required to take the oath or execute the statement prescribed by this section.

An enrolled member of an Indian nation or an Indian individual having an affiliation with an Indian nation recognized by the United States or the state of New York may elect to comply with the requirements of this section by instead subscribing and filing the following statement:

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

"I do solemnly affirm that I will faithfully discharge the duties of the position of according to the best of my ability, and perform my duties in a manner consistent with the constitution of the United States and the constitution of the state of New York."

56. Upon information and belief, Rosamaria Cortese and Rosa Nieves did not take the oath of office in this petition on or prior to September 2, 2020 nor prior to assuming and beginning their service as elementary principals.

57. Persons who do not take the oath of office may not legally serve as administrators in the Brentwood Union Free School District.

58. The Board of Education and Superintendent of Schools have been negligent in their duty to require that administrators take the oath of office as required by New York State Education Law 3002.

59. New York State Civil Rights Law, Article 4, Section 40-c states:

§ 40-c. Discrimination. 1. All persons within the jurisdiction of this state shall be entitled to the equal protection of the laws of this state or any subdivision thereof.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

2. No person shall, because of race, creed, color, national origin, sex, marital status, sexual orientation, gender identity or expression, or disability, as such term is defined in section two hundred ninety-two of the executive law, be subjected to any discrimination in his or her civil rights, or to any harassment, as defined in section 240.25 of the penal law, in the exercise thereof, by any other person or by any firm, corporation or institution, or by the state or any agency or subdivision of the state.

60. Dr. Tracy Adams, a Black/African-American with over 10 years of assistant principal experience and three (3) years of elementary principal experience, was scheduled for an interview on August 4, 2020. She was called and told that her interview was cancelled. It was never rescheduled.

61. Neither Rosamaria Cortese nor Rosa Nieves have a doctoral degree in education or as many years of experience as an elementary principal as Dr. Tracy Adams or as many years of experience as an assistant principal as Dr. Tracy Adams.

62. Veronique Bailey, a Black/African-American who has served as a district-wide Director of STEM and has served as an Assistant Superintendent, was scheduled for an interview

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

on August 4, 2020. She was called and told that her interview was cancelled. It was never rescheduled.

63. Neither Rosamaria Cortese nor Rosa Nieves have served in district-wide capacities like Veronique Bailey.

64. William King Moss III, a Bilingual Education certified Black/African-American who has been an administrator for 9 years and has served as Director of Academic Affairs, was called the day before to schedule his interview when other candidates were called six (6) days prior.

65. Neither Rosamaria Cortese nor Rosa Nieves have Bilingual Education certification.

66. Approximately 7,500 of the 18,500 students are enrolled in the District's Bilingual Education program.

67. The following is a list of the schools within the Brentwood Union Free School District and the principals Bilingual Education certification status as of October 1, 2020: "Yes" for has Bilingual Education certification and "No" for does not have Bilingual Education certification.

- a. Brentwood High School - No
- b. Brentwood Freshman Center - No

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

- c. Brentwood North Middle School - Matt Gengler - No
- d. Brentwood South Middle School - Dr. Bergre Escobores - No
- e. Brentwood East Middle School - Barry Muhammad - No
- f. Brentwood West Middle School - Felicia Thomas - No
- g. Brentwood Twin Pines Elementary School - Dr. Gloria Jackson - No
- h. Brentwood Pine Park Elementary School - Rosa Nieves - No
- i. Brentwood Gail Kirkham Northeast Elementary School - Rosa Cortese - No
- j. Brentwood North Elementary School - Patrick Morris - No
- k. Brentwood Laurel Park Elementary School - Eric Snell - No
- l. Brentwood Southeast Elementary School - Lisa Calderero - No
- m. Brentwood Loretta Park Elementary School - Robert McCarthy - No
- n. Brentwood Oakpark Elementary School - Lisa Catandella - No
- o. Brentwood Hemlock Park Elementary School - Dr. Christopher Dalley - No
- p. Brentwood Southwest Elementary School - Michelle Rogers - No
- q. Brentwood East Kindergarten Elementary School - Minerva Feliciano - No

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

68. There are zero (0) Bilingual Education certified school principals out of the seventeen (17) schools in a school district where 40% of the students are enrolled in the Bilingual Education program.
69. 40% of 17 is 6.8 or seven (7) school principals.
70. Bilingual Education certification uniquely demonstrates training and understanding in the delivery of instruction for major subjects in a language other than English.
71. The Respondent Superintendent and Board had an opportunity to hire two (2) Bilingual Education certified principals because Ana Martinez and William King Moss III, and perhaps others, are Bilingual Education certified (See Exhibit A and C).
72. The Respondent Superintendent and Board of Education did not hire a Bilingual Education certified person to serve as elementary principal on September 2, 2020.
73. While the Board of Education's initial act of pushing for Ana Martinez may have had her Bilingual Education certification in mind as a motivation, their method of achieving her appointment was strictly illegal and can be categorized as criminal felony behavior.
74. The fact that there are zero (0) Bilingual Education certified school principals demonstrates the Respondent Superintendent and Board's tendency and propensity

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

(trend) to hire underqualified Whites/Caucasians at the expense of a healthy diversity of professional backgrounds to meet the needs of the student body.

75. The fact that there have been at least twenty-one (21) administrative hires or promotions since July 1, 2017 and none of those administrators were Bilingual Education certified demonstrates the Respondent Superintendent and Board's tendency and propensity (trend) to hire underqualified Whites/Caucasians at the expense of a healthy diversity of professional backgrounds to meet the needs of the student body.

76. The fact that there were two (2) elementary principal vacancies germane to this position and neither appointed candidate was Bilingual Education certified when at least two (2) Bilingual Education certified candidates applied for the positions demonstrates the Superintendent and Board's tendency and propensity (trend) to hire underqualified Whites/Caucasians at the expense of a healthy diversity of professional backgrounds to meet the needs of the student body.

77. Dr. Tracy Adams, Veronique Bailey and William King Moss III were all more qualified than Rosamaria Cortese and Rosa Nieves.

78. At least three (3) Blacks/African-Americans had their interviews sabotaged by the District by providing William King Moss III only 16 hours (considering 8 hours of

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

sleeping time) to prepare and rescinding (cancelling and not rescheduling) the interviews of two (2) very highly qualified Blacks/African-Americans, arbitrarily and capriciously, and without legitimate cause, namely Dr. Tracy Adams and Veronique Bailey.

79. At least three (3) Blacks/African-Americans were not given equal employment opportunity to compete for the two (2) elementary principal positions appointed on September 2, 2020.

80. Denying highly qualified Blacks/African-Americans equal employment opportunity in competing for a position is a form of discrimination that violates the civil rights of Blacks/African-Americans.

81. William King Moss III, as a resident of the district, has a residency advantage in Policy 9240 that was not considered in the hiring of the two (2) elementary principal positions.

82. Upon information and belief, Rosamaria Cortese had been an administrator for 8 years prior to her being appointed principal.

83. Upon information and belief Rosa Nieves had been an administrator for 5 years prior to her being appointed principal.

84. William King Moss III has more years of experience as an administrator than Rosamaria Cortese.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

85. William King Moss III has more years of experience as an administrator than Rosa Nieves.

86. Denying William King Moss III his residency advantage while advancing non-Black/African-American candidates is a form of color/race discrimination.

87. New York State Civil Rights Law, Article 4, Section

§ 44-a. Protecting civil and public rights. A person who: 1.

Excludes a citizen of this state, by reason of race, color, creed, national origin or previous condition of servitude, from any public employment or employment in any capacity in industries engaged in defense contracts or from the equal enjoyment of any accommodation, facility or privilege furnished by innkeepers or common carriers, or by owners, managers or lessees of theatres or other places of amusement, or by teachers and officers of common schools and public institutions of learning; or,

Is guilty of a misdemeanor, punishable by fine of not less than fifty dollars nor more than five hundred dollars.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

88. Brentwood Union Free School District, the Superintendent of Schools and the Board of Education and its trustees as individuals were served with statistical information demonstrating that their exclusionary actions (“first considering internal candidates”, “ripening” and “not posting vacant positions”) reduce the employability of Blacks/African-Americans. Their engagement in discriminatory activity beyond such legal advisements carries with it an intent to reduce the employability of Blacks/African-Americans.
89. Brentwood Union Free School District, the Superintendent of Schools and the Board of Education and its trustees as individuals recommended and approved appointments that came from the sabotage of the candidacies of at least three (3) Blacks/African-Americans.
90. Brentwood Union Free School District, the Superintendent of Schools and the Board of Education and its trustees as individuals are guilty of recommending and approving appointments that came from the sabotage of the candidacies of at least three (3) Blacks/African-Americans.
91. The Constitution of the State of New York, Article 1, Section 11 states:

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

§11. No person shall be denied the equal protection of the laws of this state or any

subdivision thereof. No person shall, because of race, color, creed or religion, be

subjected to any discrimination in his or her civil rights by any other person or by any

firm, corporation, or institution, or by the state or any agency or subdivision of the state.

(New. Adopted by Constitutional Convention of 1938 and approved by vote of the people

November 8, 1938; amended by vote of the people November 6, 2001.)

92. In November 2019, Brentwood Union Free School District, the Superintendent of

Schools and the Board of Education and its trustees as individuals admitted before the

Commissioner of Education to “first considering internal candidates,” an unapproved and

unlawful practice that provides Whites/Caucasians with a disproportionate advantage in

the hiring of teachers (37:1) and administrators (3:1) while impairing

Blacks/African-Americans with a disproportionate disadvantage.

93. In November 2019, Brentwood Union Free School District, the Superintendent of

Schools and the Board of Education and its trustees as individuals admitted to “ripening”

temporary contracts into probationary contracts, a practice that has yielded zero (0)

Black/African-American probationary teacher and administrative appointments out of

over eighty (80) appointments since July 1, 2017.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

94. The Brentwood Union Free School District records confirm that the Respondents have not posted over 75 teaching positions and over 150 permanent substitute positions on OLAS as required by school board policy 9240.
95. The Superintendent of Schools has gone on record at a Board meeting and confirmed that Permanent Substitute Teachers get preference in the hiring of probationary teachers.
96. Less than 3% of Brentwood UFSD teachers are Black/African-American.
97. Approximately 10% of the Brentwood UFSD students are Black/African-American with many students being Afro-Latino but categorized at White and Hispanic.
98. Brentwood Union Free School District, the Superintendent of Schools and the Board of Education and its trustees as individuals have approved appointments that are consistent with the district's policy of "first considering internal candidates."
99. Brentwood Union Free School District, the Superintendent of Schools and the Board of Education and its trustees as individuals have consistently chosen to enact unapproved and unlawful policies and practices that greatly reduce the number of Black/African-American applicants and candidates for teaching and administrative employment positions.
100. The Constitution of the State of New York, Article XIII, Section 1 states:

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

Section 1. Members of the legislature, and all officers, executive and judicial, except such inferior officers as shall be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of, according to the best of my ability;" and no other oath, declaration or test shall be required as a qualification for any office of public trust, except that any committee of a political party may, by rule, provide for equal representation of the sexes on any such committee, and a state convention of a political party, at which candidates for public office are nominated, may, by rule, provide for equal representation of the sexes on any committee of such party. (Amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

101. New York State, Executive Law, Article 15, Section 291 states:

§ 291. Equality of opportunity a civil right.

1. The opportunity to obtain employment without discrimination because of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, marital status, or

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

disability, is hereby recognized as and declared to be a civil right.

102. The Superintendent and each trustee of the Brentwood Board of Education willfully violated New York State Executive Law, Article 15, Section 291 by continuing a pattern of differential treatment in employment that advantages caucasians and disadvantages blacks and by engaging in hiring practices for elementary principals that eliminated blacks from and disadvantaged blacks in the applicant pool, a clear and evident disparate treatment.

103. New York State, Executive Law, Article 15, Section 296 states:

§ 296. Unlawful discriminatory practices. 1. It shall be an unlawful discriminatory practice:

(a) For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

employment.

104. The Superintendent and each trustee of the Brentwood Board of Education willfully violated New York State Law, Article 15, Section 296 by continuing a pattern of differential treatment in employment that advantages caucasians and disadvantages blacks and by engaging in hiring practices for elementary principals that eliminated blacks from and disadvantaged blacks in the applicant pool, a clear and evident disparate treatment.
105. In the Commissioner's Decision No. 17,602, the Commissioner of Education ordered: "I admonish respondents to comply with all aspects of board policy 9240 with respect to administrative recruitments, and to amend such policy if it wishes to authorize exceptions to the existing policy." (See Exhibit B)
106. The Respondents for Decision No. 17,602 on the original petition were Brentwood Union Free School District, Robert Feliciano, Paula Moore, Maria González-Prescod and Daniel Calderon.
107. The Petitioner for Decision No. 17,602 William King Moss III is Black/African-American.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

108. In Decision No. 17,602, the Commissioner concluded that the Respondents did not give any reason why they did not interview William King Moss III, the only Black/African-American candidate amongst two (2) candidates that applied.
109. The Brentwood Union Free School District denied William King Moss III equal employment opportunity along race and color lines on February 15, 2018.
110. Brentwood School Board trustees Robert Feliciano, G. Paula Moore, Maria Gonzalez-Prescod, Julia Burgos, Cynthia Ciferri, Simone Holder Daniel, Eileen Felix and Superintendent Richard Loeschner are both individually and jointly responsible for putting forth good faith efforts in adhering to a Commissioner of Education's admonishment of the Brentwood Union Free School District.
111. There is no public record of Brentwood School Board trustees Robert Feliciano, G. Paula Moore, Maria Gonzalez-Prescod, Julia Burgos, Cynthia Ciferri, Simone Holder Daniel, Eileen Felix or Superintendent Richard Loeschner putting forth good faith efforts in adhering to the New York State Laws in the September 2, 2020 hiring of elementary principals.
112. School Board Policy #9240 states: "Recruiting and hiring shall be on the basis of individual qualification."

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

113. The Board of Education and Superintendent of Schools did properly provide interviews to highly qualified Blacks/African-Americans for the two (2) elementary principal positions appointed on September 2, 2020, thus preventing recruiting and hiring to be based on individual qualification.
114. School Board Policy #9240 states: "The Board and its employees shall adhere to the practice of recruiting and hiring personnel without regard to age, color, creed, disability, marital status, national origin, race, religion, sex or any other status protected by federal or New York State law. No recruitment or selection processes shall have any bias based on the above-mentioned criteria."
115. Upon information and belief, the Brentwood School Board and Superintendent of Schools engaged in a recruitment and hiring process that gave preference to Whites/Caucasians using its "first considering internal candidates rule" for the two (2) elementary principal positions appointed on September 2, 2020.
116. School Board Policy 9240 does not allow for or permit preference to internal candidates along color/race lines in the hiring of administrators.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

117. The process of giving preference via a quid-pro-quo advantaged the color/race

category of White/Caucasian and disadvantaged the color/race category of

Black/African-American.

118. The Brentwood School Board and Superintendent of Schools have amassed a pattern, since July 1, 2017, of a continued and consistent engagement in policies and practices that exclude and remove Blacks from district positions of employment while including and saving White employees from vertical demotion or termination:

- a. From July 1, 2017 to present. Brentwood Union Free School District (BUFSD) has enacted an internal practice of allowing teachers who have been accused of physically or sexually abusing Brentwood students (specifically students of color) to be reassigned to home with full pay pending investigation. This is a marked change from the previous practice before July 1, 2017 of reassigning such accused teachers to a different school or office.
- b. July 1, 2017 to June 30, 2018. BUFSD appointed an estimated zero (0) black teachers out of 60+ hires.
- c. January 2018. Demoted first Black driver messenger hired in over 20 years for no reason related to his performance on the job.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

- d. February 15, 2018. District denied Black Harvard graduate and district alum an interview for Assistant Superintendent for Bilingual Education and Student Intake against school board policy.
- e. June 14, 2018. District gave preferential treatment in hiring an assistant principal for South Middle School by assigning a white female teacher finalist to the position during the interview processes and without also assigning the other finalist, a black female teacher, to the same opportunity/training in the hiring process.
- f. June 14, 2018. District gave tenure to a white female chief administrator a month and a half after her department was aired on television for conducting disability discrimination against a 6 year old black female student.
- g. June 2018. District superintendent violated a black male guidance counselor's right to privacy by forcing him to sit in a meeting, without notice, that would have disciplinary consequences with another teacher, namely the union/Brentwood Teachers Association president, who was not invited to take part in the meeting by the guidance counselor.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

- h. July 2, 2018. District terminated alumnus who was the first Black guidance counselor hired in over 20 years.
- i. August 8, 2018. District failed to terminate a white male head custodian who fired a fire extinguisher into the face of his Latino subordinate.
- j. October 1, 2018. District failed to terminate a white male chief custodian who was caught taking pictures of little league children playing across the street while sitting in his car on district property.
- k. January 4, 2019. District failed to suspend without pay and failed to terminate a white male physical education teacher who was arrested for and later convicted of sexual misconduct with a minor Latina student.
- l. Spring 2019 to present. 22 Cover Letter and Resume applications of highly qualified New York State certified Black/African American educators were emailed to the Superintendent of Schools. From that pool, seven (7) reported being interviewed and zero (0) reported being hired. Upon inspection, there were several instances where black applicants with experience working in their license were NOT interviewed/hired and a caucasian (Hispanic and non-Hispanic) applicant who achieved his/her certification from June 2019 to as late as

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

September 27, 2019 was hired. Hiring caucasian applicants with little to no experience working after licensure/certification while not interviewing/hiring black applicants that have experience working after their certification demonstrates a pattern of bias that is favorable towards caucasian applicants and unfavorable towards black applicants.

- m. September 2019. The Superintendent and Board of Education hired two White/Caucasian male administrators without a posting or interview/selection process.
- n. Summer 2017 to October 2019. The Superintendent and Board of Education hired ten (10) White/Caucasian physical education teachers without a posting or openly competitive hiring process (Blacks/African-Americans had no knowledge of vacancies until they were being filled on school board agendas.)
- o. April 2019 to November 2019. The Superintendent and Board of Education hired four (4) White/Caucasian ENL/ESOL (English as a New Language/English to Speakers of Other Languages) teachers without any posting and by aiding one of the candidates to achieve certification over a Black/African-American woman with ENL/ESOL certification.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

- p. February 2020. Six (6) members of the Board of Education refused to entertain a resolution presented by the Islip Town Branch of the NAACP to end discrimination in Brentwood School District.
 - q. August/September 2020. The Superintendent of Schools and the Board of Education approved a hiring procedure for the appointment of two elementary principals that included the cancelling of two (2) interviews for Black/African-American women (one former Assistant Superintendent and one former elementary principal and Brentwood graduate with a doctorate degree) who are more qualified than the appointed White/Caucasian appointees.
 - r. September 2020. The Superintendent of Schools and Board of Education approved a quid-pro-quo in the hiring of two (2) elementary principals along racial lines (one White/Caucasian non-Hispanic for one White/Caucasian Hispanic) to the detriment of Black/African-American applicants.
119. The Superintendent and each trustee of the Brentwood Board of Education willfully violated School Board Policy 9240 by approving the September 2, 2020 appointment of two (2) elementary principal positions that included a racially biased recruitment and

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

selection process (by pattern of differential treatment and this instance of disparate impact).

120. School Board Policy #9240 states: "The Board will practice due diligence in finding the most qualified persons for any open positions."

121. By appointing all excessed teachers as permanent substitute teachers without a bona fide selection process, the Brentwood School Board and Superintendent of Schools did not practice due diligence in finding the most qualified person for the job.

122. The Superintendent and each trustee of the Brentwood Board of Education willfully violated School Board Policy 9240 by approving the September 2, 2020 appointment of two (2) elementary principals positions that did not include the practice of due diligence in finding the most qualified persons for any open positions.

123. School Board Policy #9240 states: "Selection of employees is made pursuant to the District's standard screening process, interview process, reference check process, collective bargaining agreements, Civil Service Laws, and other legal requirements."

124. At previous board meetings, the Superintendent of Schools explained to the public that the District has a standard screening process and interview process for administrative positions.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

125. The Superintendent of Schools recommended and the Brentwood School Board approved an appointment that was not made pursuant to the District's screening process, interview process, reference check process or collective bargaining agreements in approving two (2) elementary principals positions on September 2, 2020.
126. School Board Policy #9240 states: "The selection process shall include a preference for District residents where candidates' skills, experience, and criteria used in the selection process are equivalent."
127. The Superintendent and Brentwood Board of Education did not allow for Brentwood Union Free School District residents to apply for the two (2) elementary principal positions appointed on September 2, 2020.
128. The Board of Education and Superintendent of Schools violated policy #9240 by appointing the two (2) elementary principal positions appointed on September 2, 2020 via a selection process that could not and did not "include a preference for District residents."
129. The Superintendent and each trustee of the Brentwood Board of Education willfully violated School Board Policy 9240 by appointing the two (2) elementary principal positions appointed on September 2, 2020 via a recruitment and selection process that gave preference to internal candidates. This process favored non-residents, giving

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

preferential treatment to two (2) non-residents by excluding all Brentwood Union Free School District residents, the very opposite intent of school board policy #9240.

130. School Board Policy #0100 Equal Opportunity and Non-Discrimination states: "The Board of Education, its officers and employees, will not unlawfully discriminate in the District's programs or activities or permit unlawful discrimination to occur on the basis of actual or perceived race, color..."

131. The Superintendent and Brentwood Board of Education did not allow persons of the African-American race category and Black color category to interview fairly for the two (2) elementary principal positions appointed on September 2, 2020.

132. The Board of Education and Superintendent of Schools violated policy #0100 by appointing the two (2) elementary principal positions appointed on September 2, 2020 via a selection process that sabotaged the interviews of persons of the African-American race category and Black color category.

133. School Board Policy #9110 Equal Employment Opportunity states: "The Board of Education is committed to providing equal access to all categories of employment in this district, regardless of race, color..."

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

134. The Superintendent and Brentwood Board of Education did not provide persons of the African-American race category and Black color category with equal access for the two (2) elementary principal positions appointed on September 2, 2020.
135. The Board of Education and Superintendent of Schools violated policy #9110 by appointing the two (2) elementary principal positions appointed on September 2, 2020 via a selection process that did not provide equal access to the African-American race category and Black color category.
136. School Board Policy #9110 Equal Employment Opportunity states: "The Board believes it to be in the interest of both students and the public to have a staff which is highly qualified and effective in performing the duties assigned to them, and which contains a healthy diversity of personal backgrounds."
137. Brentwood Union Free School District has zero (0) school principals with Bilingual Education certification.
138. The Superintendent and Brentwood Board of Education acted against the interest of both the students and the public when they hired the two (2) elementary principal positions appointed on September 2, 2020 without seeking a healthy diversity of personal backgrounds as demonstrated in their not hiring Bilingual Education certified building

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

administrators in a school system where 40% of the students are Bilingual Education students.

139. The Board of Education and Superintendent of Schools violated policy #9110 by appointing the two (2) elementary principal positions appointed on September 2, 2020 without seeking a healthy diversity of personal backgrounds.

140. School Board Policy #9110 Equal Employment Opportunity states: "The Superintendent of Schools shall ensure that applicants for open positions in either the administrative, instructional or support staff of the district, are actively sought from members of any minority group which is underrepresented in that staff."

141. The Superintendent and Brentwood Board of Education did not actively seek members of any minority group which is underrepresented in the staff, such as Blacks/African-Americans, for the two (2) elementary principal positions appointed on September 2, 2020 using traditional methods such as outreach to Historically Blacks Colleges or Universities, outreach to the NAACP or Long Island Black Educators Association or outreach to Black churches or fraternal organizations.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

142. The Board of Education and Superintendent of Schools violated policy #9110 by not actively seeking members of any minority group which is underrepresented in the staff when appointing the two (2) elementary principal positions on September 2, 2020.
143. School Board Policy #9110 Equal Employment Opportunity states: "Candidates for open positions, as well as for promotion and transfer, will be given full consideration and evaluated on the basis of education, experience and ability, to determine fitness to perform the duties of the position."
144. The Superintendent and Brentwood Board of Education did not give full consideration to at least three (3) Black/African-American candidates for the two (2) elementary principal positions appointed on September 2, 2020.
145. The Board of Education and Superintendent of Schools violated policy #9110 by not fully considering at least three (3) Black/African-American candidates for the two (2) elementary principal positions appointed on September 2, 2020.
146. School Board Policy #9110 Equal Employment Opportunity states: "At no time will any candidate for employment, current employee or former employee suffer any adverse action, or be granted any benefit, for any reason other than personal merit or conduct, or in violation of any law or regulation."

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

147. The Superintendent and Brentwood Board of Education committed an adverse action against William King Moss III, a former employee, when he was given 24 hours to prepare for his interview for the two (2) elementary principal positions appointed on September 2, 2020 while other candidates were given six (6) days.
148. The Board of Education and Superintendent of Schools violated policy #9110 by committing an adverse action against William King Moss III, a former employee, when he was given 24 hours to prepare for the two (2) elementary principal positions appointed on September 2, 2020.
149. School Board Policy #9110 Equal Employment Opportunity states: "The Board is committed to non-discrimination in all areas related to employment including recruitment and appointment of employees, compensation and related benefits and grievance procedures."
150. The Superintendent and Brentwood Board of Education did not allow for the appointment of persons from the African-American race category and Black color category to apply for the two (2) elementary principal positions appointed on September 2, 2020 because they engaged in an illegal quid-pro-quo.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

151. The Board of Education and Superintendent of Schools violated policy #9110 by appointing the two (2) elementary principal positions appointed on September 2, 2020 not allowing for the appointment of persons of the African-American race category and Black color category because of an illegal quid-pro-quo.
152. At no time on September 2, 2020, during the course of the Board of Education public meeting did any trustee voice any opposition to the appointment of the two (2) elementary principal positions.
153. Upon information and belief, the two (2) elementary principal positions appointed on September 2, 2020 did not take an oath of office to serve as a teacher in Brentwood Union Free School District.
154. Upon information and belief, a person cannot serve as a teacher in New York State without taking the appropriate oath of office.
155. The Brentwood Union Free School District, Brentwood Board of Education, each of the Board of Education trustees, and the Superintendent of Schools have violated the Constitution of the State of New York.
156. New York State Education Law, Article 5, Section 211-C.3 states:

§ 211-c. Distinguished educators. The regents shall establish a

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

distinguished educator program that recognizes educational leaders who have agreed to assist in improving the performance of low performing school districts.

3. The commissioner may appoint a distinguished educator to a school district;

- a. when such district or a school within such district has failed to achieve adequate yearly progress for four or more years;
- b. as a member of a joint school intervention team pursuant to paragraph b of subdivision two of section two hundred eleven-b of this part.

157. Brentwood Union Free School District houses Brentwood High School that has the second lowest graduation rate amongst public high schools in Suffolk County.

158. NYSED published research in its Education Diversity Report that shows that teacher diversity in the form of Black/African-American students having at least one (1) Black/African-American teacher correlates with higher performance for those Black/African-American students.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria González-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

159. According to the Educator Diversity Report published by NYSED,

Black/African-American students who do not have at least one (1)

Black/African-American teacher underperform those that do.

160. The active denial of equal employment opportunity to Black/African-American prospective teachers contributes to the underperformance of Black/African-American students according to the Educator Diversity Report published by NYSED.

161. NYSED's 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, and 2016-2017 School Report Cards designate that "All Students" as not making adequate yearly progress (AYP).

162. Brentwood Union Free School District failed to achieve adequate yearly progress for six (6) years in the past ten (10) years.

163. The Commissioner may appoint a distinguished educator to Brentwood Union Free School District.

164. NYSED's 2018-2019 School Report Card designated the Brentwood Union Free School District as needing "Comprehensive Support and Improvement."

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

165. NYSED's 2018-2019 School Report Card designated the Brentwood Union Free School District's Black or African-American students as needing "Targeted Support and Improvement."
166. NYSED's 2018-2019 School Report Card designated the Brentwood Union Free School District's Black or African-American students as needing "Targeted Support and Improvement."
167. In addition, NYSED's 2018-2019 School Report Card designated the Brentwood Union Free School District's Asian or Native Hawaiian/Other Pacific Islander, Hispanic or Latino, and White students as needing "Targeted Support and Improvement."
168. In February 2020, the Board appointed a board consultant for Equity, Diversity and Inclusion with Robert Feliciano, G. Paula Moore, Eileen Felix and Maria Gonzalez-Prescod voting yes, Julia Burgos voting no, Cynthia Ciferri abstaining and Simone Holder-Daniel being absent.
169. As of December 2019 and according to district records, only six (6) out of four hundred twenty-nine (435) probationary or tenured elementary teachers were Black/African-American.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

170. Less than 2% of Brentwood Union Free School District's probationary or tenured elementary teachers are Black/African-American.
171. Since the Respondent Superintendent and Board of Education majority took power on July 1, 2017, at least thirty-seven (37) probationary elementary teachers have been hired.
172. Since the Respondent Superintendent and Board of Education majority took power on July 1, 2017, zero (0) Black/African-American probationary elementary teachers have been hired.
173. There are eleven (11) elementary schools in Brentwood Union Free School District.
174. Brentwood Union Free School District has at least five (5) elementary schools that do not have one (1) Black/African-American probationary or tenured teacher.
175. Brentwood Union Free School District gives preferential treatment to permanent substitutes in the probationary elementary teacher hiring process.
176. Brentwood Union Free School District has a history of not posting permanent substitute positions on OLAS as required by School Board Policy #9240.
177. Brentwood Union Free School District has a history of not posting permanent substitute positions on its website as required by School Board Policy #9240.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

178. Brentwood Union Free School District hires permanent substitute positions by “word-of-mouth”.

179. The Equal Employment Opportunity Commission (EEOC) deems “Word-of-mouth” hiring discriminatory when it denies equal employment opportunity by giving preferential treatment to a protected status category by hiring “almost all” of the positions to a specific type within a protected status category.

180. The EEOC website titled Prohibited Employment Policies /Practices with url <https://www.eeoc.gov/prohibited-employment-policiespractices> on September 26, 2020 stated:

“It is illegal for an employer to recruit new employees in a way that discriminates against them because of their race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information.

For example, an employer's reliance on word-of-mouth recruitment by its mostly Hispanic work force may violate the law if the result is that almost all new hires are Hispanic.”

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

181. Because of the consistent and persistent denial of equal employment opportunity for Blacks/African-Americans beyond the Board's appointment of a consultant for Equity, Diversity and Inclusion and because having at least one (1) Black/African-American teacher has been connected to higher student performance amongst Black or African-American students, the Commissioner should appoint a distinguished educator to Brentwood Union Free School District to address administrator hiring and effect equal employment opportunity for Blacks/African-Americans as a method to improve student performance amongst Black/African-American students.
182. The Petitioners have a right to be governed by a Superintendent and Board of Education that does not exclude Blacks/African-Americans from the opportunity of employment while giving non-Blacks/African-Americans employment opportunity.
183. Petitioner Moss filed a hiring discrimination lawsuit in November 2019 in Federal Court against Respondent Board of Education, Board of Education trustees as individuals and Superintendent of Schools for neglecting to uphold his civil rights and civil and public rights as a highly qualified Black/African-American.
184. At least five (5) race/color discrimination in hiring complaints have been filed against Respondent Board of Education, Board of Education trustees as individuals and

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

Superintendent of Schools with the New York EEOC, New York Division of Human Rights and the New York Commissioner of Education from February 2020 to September 2020 (before the 2nd) for neglecting to uphold the civil rights and civil and public rights of Blacks/African-Americans in hiring, namely Crystal Jackson vs. BUFSD et al, Gary DuMornay vs BUFSD et al, William Moss vs. BUFSD et al, Toni Stewart vs. BUFSD et al, and Fredrika Miller vs BUFSD et al.

185. Respondent Board of Education, Board of Education trustees as individuals and Superintendent of Schools were aware of at least six (6) different complaints of hiring discrimination for teaching and administrative positions from Blacks/African-Americans for excluding them from employment opportunities or diminishing their employment opportunity along race/color lines.
186. The act of first considering internal candidates denied William King Moss III equal employment opportunity, denied William King Moss III equal protection under the law, denied William King Moss III residency advantage granted by policy #9240 and created a "Non-Blacks Only" effect for the two (2) elementary principal positions.
187. Respondent Board of Education, Board of Education trustees as individuals and Superintendent of Schools were wrongful in recommending and appointing the the two

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

- (2) elementary principal positions on September 2, 2020 while knowingly violating the civil rights to equal employment opportunity of Blacks/African-Americans and the civil and public rights to equal treatment under the law of Blacks/African-Americans.
188. Respondent Board of Education, Board of Education trustees as individuals and Superintendent of Schools were intentional in recommending and appointing the two (2) elementary principal positions on September 2, 2020 an act that involved sabotaging the candidacies of Blacks/African-Americans.
189. Wrongfully and intentionally excluding Blacks/African-Americans from properly competing for two (2) elementary principal positions is a wilful violation of New York State Civil Rights laws and neglect of duty in upholding New York State Civil Rights laws.
190. Wilfully violating civil rights laws and wilfully neglecting duties to uphold New York State Civil Rights laws are acts that are worthy of removal from office.
191. Wrongfully and intentionally sabotaging the candidacies of highly qualified Blacks/African-Americans is a wilful violation of New York State Executive laws and neglect of duty in upholding New York State Executive laws.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

192. Wilfully violating civil rights laws and wilfully neglecting duties to uphold New York State Executive are acts that are worthy of removal from office.
193. Wrongfully and intentionally sabotaging the candidacies of Blacks/African-Americans for two (2) elementary principal positions is a wilful violation of the Constitution of New York State and neglect of duty in supporting the Constitution of New York State.
194. Wilfully violating the Constitution of New York State and wilfully neglecting duties to support the Constitution of New York State are acts that are worthy of removal from office.
195. Wilfully violating and neglecting the duty to support the Constitution of the State of New York legally violates an oath of office that contains a vow to "support the Constitution of the State of New York."
196. Wilfully violating an oath of office and wilfully neglecting duties to uphold an oath of office are acts that are worthy of removal from office.
197. On September 2, 2020, Respondent Board of Education, Board of Education trustees as individuals and Superintendent of Schools knew that employees and officers must sign

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

192. Wilfully violating civil rights laws and wilfully neglecting duties to uphold New York State Executive are acts that are worthy of removal from office.
193. Wrongfully and intentionally sabotaging the candidacies of Blacks/African-Americans for two (2) elementary principal positions is a wilful violation of the Constitution of New York State and neglect of duty in supporting the Constitution of New York State.
194. Wilfully violating the Constitution of New York State and wilfully neglecting duties to support the Constitution of New York State are acts that are worthy of removal from office.
195. Wilfully violating and neglecting the duty to support the Constitution of the State of New York legally violates an oath of office that contains a vow to “support the Constitution of the State of New York.”
196. Wilfully violating an oath of office and wilfully neglecting duties to uphold an oath of office are acts that are worthy of removal from office.
197. On September 2, 2020, Respondent Board of Education, Board of Education trustees as individuals and Superintendent of Schools knew that employees and officers must sign

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

oaths of office because they signed oaths of office and witnessed each other, as officers (trustees) and employee (superintendent), signing oaths of office.

198. Respondent Board of Education, Board of Education trustees as individuals and Superintendent of Schools were wrongful in hiring two (2) elementary principals without their taking an oath of office.
199. Respondent Board of Education, Board of Education trustees as individuals and Superintendent of Schools have practiced the hiring of administrators without an oath of office for the past three (3) years.
200. Wrongfully and intentionally hiring administrators without their taking an oath of office is a wilful violation of New York State Education law 3002 and neglect of duty in upholding New York State Education law 3002.
201. Wilfully violating New York Education laws and wilfully neglecting duties to uphold New York State Education laws are acts that are worthy of removal from office.
202. The Commissioner of Education has removed and sustained the removal of school officers over singular illegal acts such as violating the confidentiality of executive session, a violation of Public Officers Law.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

203. Petitioner Moss alleges that Respondents singular act of hiring two (2) elementary principals violated one (1) section of New York State Education Laws (3002), two (2) sections of New York Civil Rights Laws (40-C and 44-A), two (2) sections of New York State Executive Laws (291 and 296), two (2) sections of the Constitution of the State of New York (Article 1, Section 11 and Article 8, Section 1) for a total of seven (7) violations of law.
204. Since the Commissioner of Education has the jurisdiction and authority to remove a Board of Education member/trustee and Superintendent of Schools for a violation of a New York State Law, then the Commissioner of Education has the jurisdiction and authority to remove a Board of Education member/trustee and Superintendent of Schools for violations of more than one (1) law.
205. Petitioners Moss alleges that Respondents' singular act of hiring two (2) elementary school principals has violated ten (10) clauses of Brentwood School Board Policy #9240, one (1) clause of Brentwood School Board Policy #0100, and six (6) clauses of Brentwood School Board Policy #9110 for a total of seventeen (17) violations of Brentwood School Board Policy.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

206. The Commissioner of Education has ordered District officers to follow School Board Policy over singular violations of school board policy.

207. Since the Commissioner of Education has the jurisdiction and authority to order District officers to comply with School Board Policy, then the Commissioner of Education has the jurisdiction and authority to order District officers to comply with more than one (1) school board policy.

SUMMARY

The Brentwood Union Free School District, governed by the Board of Education and Superintendent of Schools must obey the laws of New York State. The Respondents remain consistent and persistent in denying Blacks/African-Americans their civil right to equal employment opportunity. The Respondents consistently and persistently provide Whites/Caucasians (mostly non-Hispanic Whites, but also including White Hispanics) with pathways to employment that effectively exclude Blacks/African-Americans as demonstrated in the hiring of the two (2) elementary principal positions appointed on September 2, 2020. The Respondents, Superintendent Richard Loeschner and Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod, and Cynthia Ciferri

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

have willfully and constructively denied equal employment opportunity to

Blacks/African-Americans and denied the privileges of residents while providing advantages to Whites/Caucasians only, a special treatment that is outlawed in New York State. The Commissioner should, respectfully, appoint a Distinguished Educator because the Brentwood Union Free School District consistently and persistently disregards the civil rights of highly qualified Blacks/African-Americans and the educational interests of Black/African-American students. Because of their abject negligence in protecting civil rights and their willful disregard of their responsibility to obey numerous New York State Laws, the Board trustees and the Superintendent of Schools are worthy of removal.

PLEA. THEREFORE, William King Moss III respectfully requests:

1. The Commissioner of Education remove all seven board members (Robert Feliciano, G. Paula Moore, Eileen Felix, Julia Burgos, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri) from the Brentwood Board of Education for neglect of duty in correcting the Superintendent of Schools when he violates school board policy, their failure to obey New York State Laws and their failure uphold their oaths of office.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

2. The Commissioner of Education remove the Superintendent of Schools Richard Loeschner for failure to adhere to School Board Policies #9240, #0100 and #9110, failure to obey New York State Laws and failure uphold his oath of office.
3. The Commissioner of Education order the Brentwood Board of Education and Superintendent of Schools to follow all District Policies, New York State Laws and Commissioner Regulations pertaining to the Recruiting and Hiring of all personnel.
4. The Commissioner of Education reverse the Brentwood Board of Education's decision to appoint the two (2) elementary principal positions appointed on September 2, 2020 and order a state-supervised recruiting and selection process in accordance with school board policy #9240.
5. The Commissioner of Education appoint a Distinguished Educator to monitor the hiring of teachers and administrators to uphold the civil rights of highly qualified Black/African-American teachers and other teachers of color and to benefit the school performance of Black/African-American students and other students.
6. The Commissioner of Education provide for an immediate stay in the employment of the fifteen (15) permanent substitute positions.

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

7. The Commissioner of Education provide for Oral Arguments: 15 minute statement, 5

minute rebuttal.

Signed: William King Moss III

Dated: 10/2/2020

William King Moss III

32 S. 5th Ave, Brentwood, NY 11717

631-245-3957

Subscribed and sworn to

before me this 2 day of

October 2020

Aileen R. Rosenbaum
(Signature of notary public)

AILEEN R. ROSENBAUM
NOTARY PUBLIC, State of New York
No. 01RO4731195
Qualified in Nassau County
Term Expires June 30, 2022

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of William King Moss III on the action of the Brentwood Union Free School District, the Board of Education of the Brentwood Union Free School District, Superintendent Richard Loeschner, Trustees Robert Feliciano, G. Paula Moore, Julia Burgos, Eileen Felix, Simone Holder-Daniel, Maria Gonzalez-Prescod and Cynthia Ciferri, and Principal Appointees Rosa Cortese and Rosa Nieves regarding negligence of duty and violations of the Constitution of the State of New York, New York State Education Laws, New York State Civil Rights Laws and New York State Executive Laws.

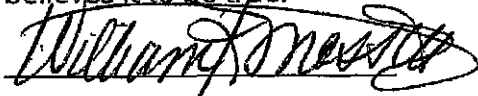
AFFIDAVIT OF VERIFICATION

STATE OF NEW YORK:

:SS.

COUNTY OF SUFFOLK:

William King Moss III being duly sworn deposes and says that he/she is the petitioner in this proceeding; that he/she has read the annexed verified petition and knows the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.

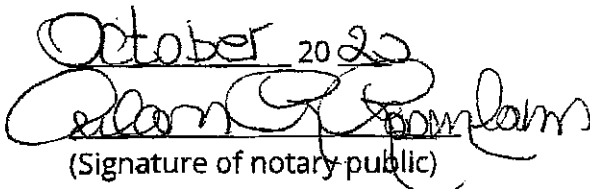


(Signature)

(In the case of a corporation, LLC, LLP, or other business entity, include the title of officer or authorized representative signing the affidavit of verification.)

Subscribed and sworn to

before me this 2 day of



(Signature of notary public)

AILEEN R. ROSENBAUM
NOTARY PUBLIC, State of New York
No. 01RO4731195
Qualified in Nassau County
Term Expires June 30, 2022